

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

BMJ FOODS PUERTO RICO, INC.
Plaintiff,

v.

METROMEDIA STEAKHOUSES,
COMPANY, L.P. and PUERTO RICO
PONDEROSA, INC.,
Defendants.

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CIVIL ACTION NO. 08-1098 (GAG)

DEFENDANTS' NOTICE OF FILING OF COUNTERCLAIM
BY PLAINTIFF IN THE NORTHERN DISTRICT OF TEXAS

TO THE HONORABLE COURT:

COMES NOW Defendants Metromedia Steakhouses Company, L.P. ("Metromedia Steakhouses") and Puerto Rico Ponderosa, Inc. ("Ponderosa") (collectively, "Metromedia") and respectfully file this notice to inform the Court of a recent filing by Plaintiff BMJ Foods Puerto Rico, Inc. ("BMJ") in the suit between the same parties in the Northern District of Texas (the "Texas court"). This filing occurred after Metromedia timely filed its Reply to BMJ's Response to Metromedia's Motion to Transfer Venue, which is why Metromedia now brings this matter to the Court's attention in this filing.

As mentioned in Metromedia's Reply, the Texas court denied BMJ's Motion to Transfer Venue to this court. *See* Docket # 15-2, at pp. 1-2. Subsequently, BMJ has filed an Original Answer and Original Counterclaim in the Texas proceeding (attached as Exhibit A). BMJ's Counterclaim against Metromedia before the Texas court contains the same factual recitations and asserts the same four causes of action that are in BMJ's Complaint against Metromedia before this Court.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico this April 15, 2008.

We hereby certify that, on this same date, we electronically filed the foregoing motion and exhibit with the Clerk of Court using the CMF/ECF system, which will send notification of such filing to counsel for Plaintiff, Ubaldo Fernández, at ubaldo.fernandez@oneillborges.com.

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